

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the Patent Application of:

GIANPIERO SANTACATTERINA ET AL.

Serial No.: 10/757,891

Filed: January 15, 2004

For: A PROCESS FOR MANAGING AND CURTAILING POWER DEMAND OF APPLIANCES
AND COMPONENTS THEREOF, AND SYSTEM USING SUCH PROCESS

Group Art Unit: 2121

Examiner: Norton, Jennifer L.

Confirmation No: 4773

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Sir:

REPLY BRIEF

The Examiner's Answer in the above-identified matter raises a new issue which warrants this reply by Appellants. Appellants reiterates all arguments made in its initial Appeal Brief. This brief will not reiterate any arguments of the Appeal Brief but will only respond to the new issue raised by the Examiner's Answer. The heading below refers to the heading in the Examiner's Answer.

RESPONSE TO ARGUMENT

In paragraph 3, on page 24, the Answer improperly attempts to link the obviousness rejection of claims 5 and 10 over the combination of Ehlers and Nierlich to the anticipation rejection of claims 1, 2, 4, 11 and 12 over Ehlers. The obviousness comments and arguments recited by the Examiner are improper for the anticipation rejection that is being addressed.

Moreover, never during the prosecution has the combination of Ehlers and Nierlich been applied to claims 1, 2, 4, 11, and 12. To the extent that the Examiner is now attempting to do so, to the extent that the combination of Ehlers et al. '438 and Nierlich et al. '509 was improper for claims 5 and 10 it is also improper for claims 1, 2, 4, 11 and 12.

Further the combination of Ehlers '438 and Nierlich '509 does not reach the claimed invention and claims 1, 2, 4, 11 and 12 are patentable over that combination. There is no evidence that Ehlers '438 combined with Nierlich '509 is forward looking (see Examiner's Answer, page 24, paragraph 4). The Examiner argues that Nierlich teaches to a process of future energy consumption profiles (see Examiner's Answer, page 25, paragraph 3) but in essence, the system described in Nierlich '509 (like that described in Ehlers '438) is historically focused in that it provides load forecast data based on only current and past power consumption. It is not forward looking like the claimed invention, which considers an entire predefined power consumption profile, which is forward looking. The claimed invention is forward looking because the claimed invention is based on the settings chosen for each appliance which correlate to predefined power consumption profiles (see Application, p. 8, ¶ [0030], In. 1-8, Fig. 7). Whereas, Nierlich '509 can anticipate demand peaks and curtailment scheduling based on past power consumption records (see Examiner's Answer, page 34, paragraph 3) the claimed inventions can accurately predict forward power consumption based on appliance settings. The combination of Ehlers '438 and Nierlich '509 do not teach such a forward looking system because neither of the references discloses this concept.

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In view of the forgoing, reversal of the Examiner on all grounds is respectfully requested.

Respectfully submitted,

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Dated: January 9, 2007

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